
Meeting Date: December 9, 2020
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: C-20-37 – 2021 Federal Legislative Priorities

ACTION: Recommend Approval

SUMMARY:

The 2021 Federal Legislative Priorities for the Water Authority are summarized below. The Legislative Priorities are consistent with the prior year requests with modifications to reflect funding and updated status reports.

Funding Request

1. Water Reclamation and Recycling Program

Under Policy B of the water resources plan (Water 2120: Securing our Water Future), the Water Authority should utilize all excess wastewater effluent as part of a reuse and recycling plan which includes aquifer storage and recovery. The Tijeras Reuse project in the southeast portion of the service area and the Bosque Reuse project on the west side are two projects that we are requesting funding in the amount of \$2.5 million for National Environmental Policy Act (NEPA) and other required permitting activities for the following projects:

- A. Tijeras Reuse Project. The Water Authority would like to thank Kirtland Air Force Base (KAFB) for providing the needed 24-acre site for the construction and operation of the Tijeras non-potable Water Reclamation Plant. This project will provide 3 to 5 million gallons per day (3,000 – 7,000 acre-feet per year) of non-potable reuse water for the eastside of Albuquerque to provide additional non-potable water for irrigation and aquifer storage and recovery (drinking water source). The facility is planned as part of the Water Authority's 100-year water plan and will consist of a new completely enclosed wastewater reuse plant, reservoir to store the water and pipelines to distribute the non-potable water to the various irrigation sites and to discharge into the Tijeras Arroyo as part of a comprehensive aquifer storage and recovery program. In the winter when water demands are lower, the purified effluent will be discharged to the Tijeras Arroyo and will be allowed to infiltrate into the aquifer for future use.

The Water Authority received funding from the NM State Legislature and is proceeding with the first phase of the project including conceptual design and permitting process. The Water Authority is seeking additional funding to complete the first phase and to start the second phase of the project that consists of

preliminary and final design with the last phase to be construction of the new plant and associated pipelines.

- B. Bosque Reuse Project. The Water Authority has secured the land for the construction and operation of the new wastewater treatment plant and has also completed the feasibility study required by the Bureau of Reclamation (BOR) under the Title XVI requirements. The feasibility study was approved by the BOR and is eligible to move forward towards NEPA with this authorization. This project will provide 3 to 5 million gallons per day (3,000 – 7,000 acre-feet per year) of non-potable reuse water for the westside of Albuquerque including parks, golf courses and potentially for industrial uses. The facility is planned as part of the Water Authority's 100-year water plan and will consist of a new completely enclosed wastewater reuse plant, reservoir to store the water and pipelines to distribute the non-potable water to the various irrigation and industrial sites. In the winter when water demands are lower, the purified effluent will be discharged to the Rio Grande. The new wastewater reuse plant will be located on Water Authority property just north of the Bosque High School and education will be a central part of the facility.

The Water Authority received funding from the NM State Legislature and is also proceeding with this project. The first phase which is underway includes finalizing the layouts for the facility (conceptual design) and submission of a NPDES permit to discharge to the Rio Grande south of Montano Road. The Water Authority is seeking funding to complete the first phase and to begin the second phase that consists of preliminary and final design. The last phase would be the construction of the facility and that could be completed in smaller phases consistent with extension of the pipelines to the irrigation sites.

2. Support Annual Appropriations for Kirtland AFB's Bulk Fuel Facility Spill Corrective Action

The Water Authority supports any efforts by the U.S. Air Force to allocate funding for continued investigation, risk assessment, interim measures, and remediation activities at the KAFB Bulk Fuel Facility (BFF) site, being performed by KAFB to come into conformance to their Resource Conservation and Recovery Act (RCRA) permit. The past two fiscal years have shown a greater than 50% decrease in the allocated budget and the Water Authority supports maintaining, if not increasing, funding to prevent further decreases.

In 2014, the Water Authority identified the need for a groundwater monitoring well at depth in the northern end of the known ethylene dibromide (EDB) groundwater contamination for BFF site. This well is necessary to determine with confidence that the EDB is not present at depth, potentially migrating towards Water Authority supply wells. Without fully determining EDB at depth, it is possible that the Air Force will design and build a final remedy that does not address all EDB in groundwater and therefore the risk to Water Authority wells will persist into the indefinite future. The Water Authority supports the allocation of resources to site, design, and install groundwater monitoring well(s) to fill this critical data gap at the BFF site and complete site characterization in support of designing and selecting a final remedy for the site.

In December 2019, the Air Force submitted to the U.S. House of Representatives a “Bulk Fuels Facility Engagement Plan” as required in House Resolution (H.R.) 2500 as required by the National Defense Authorization Act (NDAA) of 2020. As part of NDAA and the submitted engagement plan, the Air Force is directed to include in their plan “coordination with the local water utility authority.” The Water Authority expects continued participation as a consulted stakeholder in the decision-making in accordance with the requirements in NDAA and the Air Force’s engagement plan for the site. This includes technical working group meetings and technical input on project scoping activities, including interim measures and other corrective action activities to ensure the safety and security of the aquifer and drinking water supply for the citizens of Albuquerque and Bernalillo County remains safe and secure.

Additionally, in the Bulk Fuels Facility Engagement Plan, the Air Force makes a commitment to expand the level of “outreach and coordination with community residents, the Water Authority, and applicable state environmental agencies” (Page 12; Air Force, 2019). To promote transparency and confidence, the Water Authority recommends regular updates to our board on the status of the project, planning activities, as well as budget allocations. The Water Authority supports full implementation of the Air Force’s engagement plan (December 2019) which would largely address concerns around stakeholder engagement, budget allocations and reporting, and confidence in cleanup progress at the site. The Water Authority urges an aggressive and active remediation strategy, including cleanup of the source area (including both soil and fuel floating or submerged) and the dissolved-phase contamination plume, in order to return the aquifer back to “pre-spill” conditions.

3. Support FY18 and FY19 Appropriations for the Sandia National Laboratory’s Environmental Restoration Activities and the Mixed Waste Landfill and other groundwater contamination sites

The Water Authority maintains a status of groundwater protection and monitoring activities at the lab’s former operational areas, including the Mixed Waste Landfill, which is one of the solid waste management units covered under Sandia National Labs’ (SNL) RCRA permit. The Water Authority wants to ensure that sufficient funding for long-term monitoring and maintenance of the mixed Waste Landfill is secured by the Department of Energy National Nuclear Security Administration (DOE-NNSA), and that regular status reports are provided to the Water Authority Governing Board on an annual basis.

In addition, the Water Authority supports the funding for interim measure activities at other groundwater contamination sites on the SNL, including, but not limited to the Tijeras Arroyo Contamination Site, the Burn Site, and the Technical Area – V Groundwater Area of Concern.

Legislative Request

4. San Juan-Chama and Native Storage in Abiquiu Reservoir (Policy I-1, Water 2120: Securing our Water Future)

The policy of the Water Authority Board is to complete the necessary permitting to store native water in Abiquiu including other water entities in the basin. Storage of native water is critically important for the future success for both Rio Grande Compact Compliance

and Endangered Species Act (ESA) Collaborative Program. The Water Authority is diligently working towards obtaining the necessary permits and permanent easements and will be requesting a modification to our existing storage contract. The Water Authority is planning on submitting a State Engineer's application for native water storage in FY2020.

The Water Authority thanks the Congressional Delegation for assistance in getting the Abiquiu legislation into the 2020 WRDA bill. We are uncertain when the 2020 WRDA bill will move forward, but anticipate that the Abiquiu legislation will be approved when that process is complete.

Status Reports

1. Water Operations and the Endangered Species Act Collaborative Program

A new Biological Opinion (BO) was issued for water operations in the Middle Rio Grande (MRG) in December 2016 to provide ongoing ESA coverage for the State of New Mexico, Middle Rio Grande Conservancy District (MRGCD) and the BOR (collectively the "Biological Assessment (BA) Partners and the BOR"). There has been a tremendous amount of work completed in 2020 for the ESA Collaborative Program. A new organizational structure was approved and we are finalizing the adaptive management and long-term plans. The long-term plan is needed to assist with the U.S. Corps of Engineers efforts to secure additional funding for the environmental programs that are critical for the program. The new Science and Adaptive Management committee was formed and will take the place of multiple committees.

FISCAL IMPACT:

None